



October 22, 1999

Mr. Miles K. Risley  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR99-3002

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129316.

The City of Victoria (the "city") received a request for the offense report, the arrest report, and any supplemental reports regarding a DWI arrest of a certain individual. You inform us that you have released the responsive accident report to the requestor. Accordingly, the accident report is not at issue here. However, you claim that the rest of the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime."<sup>1</sup> You state that the requested records pertain to an ongoing criminal investigation. Based upon this representation, we conclude that the release of the records, other than the accident report discussed above, would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Accordingly, these records are excepted from disclosure pursuant to section 552.108(a)(1).

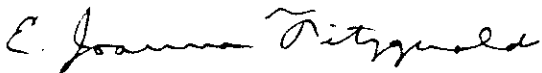
---

<sup>1</sup>Because you argue that the submitted documents are excepted under "Section 552.108 of the Act (law enforcement exception)" and because you state that the documents pertain to a matter currently under investigation by the Victoria Police Department, we assume that you mean to raise section 552.108(a)(1) of the Government Code. However, we caution you that failure to make clear to this office exactly which statutory exception or exceptions you wish to raise may result in an Attorney General ruling requiring the release of records which might otherwise fall under an exception to disclosure.

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information. Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



E. Joanna Fitzgerald  
Assistant Attorney General  
Open Records Division

EJF\nc

Ref: ID# 129316

Encl: Submitted documents

cc: John A. Mays  
John Mays Investigations  
P.O. Box 5361  
Victoria, Texas 77904  
(w/o enclosures)